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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,363	02/04/2002	Vyacheslav S. Belenko	CIT/K-0137	8170
34610	7590	04/07/2006	EXAMINER	
FLESHNER & KIM, LLP			BROWN, CHRISTOPHER J	
P.O. BOX 221200			ART UNIT	
CHANTILLY, VA 20153			PAPER NUMBER	

2134

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/061,363	Applicant(s) BELENKO ET AL.	
	Examiner Christopher J. Brown	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, with respect to USC 112 rejection have been fully considered and are persuasive. The USC 112 rejection of Claims 1-4 has been withdrawn.

Applicant's arguments, filed 12/29/05, with respect to the rejection(s) of claim(s) 1-10 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ho US 6,148,342.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5, 11, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 5, 11, and 14, the applicant directs the claims to state "media certificate being required to recognize a valid (or actual) private key.."

It is unclear in view of the claims, whether the media certificate is performing the recognizing, or the media certificate is part of a recognition process. Appropriate correction is required.

Claims 2-4, 6-10, 12, 13, 15, and 16 are rejected due to their dependence on the rejected independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 9, 10, 11, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Ho US 6,148,342.

As per claims 1, 5, 9, 10, 11, 13, 14, and 16 Sims III teaches a media distribution system in which the media data is encrypted with a symmetric key, (Col 10 lines 15-20, 53-60). Sims III teaches distributing the symmetric media key by encrypting it with a public key (Col 10 lines 45-55). Sims III teaches decrypting said media key with a private key, and using said media key to exchange data, (Col 10 lines 55-65). Sims teaches that content key, is rendered useless if the compliant device does not contain the correct private key, thus preventing media playback (Col 17 lines 40-45).

Sims III fails to teach sending private key identification by encrypting an ID.

Ho teaches encrypting an identifier using a public key of the recipient (media certificate), (Col 3 lines 54-56). Ho teaches finding the corresponding private key to decrypt the identifier, (Col 3 lines 57-59).

It would have been obvious to one of ordinary skill in the art to use the identifier of Ho with the DRM of Sims III because it allows the recipient to find the private key needed to decrypt future submissions from the sender.

Claims 2-4, 6-8, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Ho US 6,148,342 in view of Zubeldia US 6,044,462.

As per claims 2, 6, 12, and 15 the previous Sims III-Ho combination does teach storing keys, (Col 13 lines 8-20). SimsIII-Ho does not teach a key list with revoked keys.

Zubeldia teaches a stored list of keys that have previously been revoked, (Col 4 lines 8-18).

It would have been obvious to one of ordinary skill in the art to use the list of keys of Zubeldia with the data distribution system of SimsIII-Ho because it would allow the user to know the security status of the key being used and if it is trustworthy.

Art Unit: 2134

As per claims 3, and 7, SimsIII-Ho teaches storing private keys, (SimsIII Col 13 lines 8-20).

As per claims 4, and 8 SimsIII-Ho teaches stored private keys are in a secure memory,
(SimsIII Col 11 lines 18-25).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

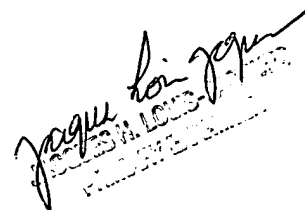
Art Unit: 2134

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jaques Louis Jaques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

3/30/06



Jaques Louis Jaques
Patent Examiner
Art Unit 2134